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TO

THE RIGHT HONORABLE
THE LORDS COMMISSIONERS

OF

HIS MAJESTY'S TREASURY.

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MEMORIAL

OF

JOHN LE BRETON.

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TO
THE RIGHT HONORABLE
THE LORDS COMMISSIONERS
OF
HIS MAJESTY'S TREASURY.

May it please Your Lordships,

Your Memorialist John Le Breton, late Captain in His Majesty's 60th or Rifle Regiment, prays to lay before Your Lordships a statement of complaints and grievances of which hitherto as will appear to Your Lordships the efficient authorities have not thought proper to take cognizance, and to which the ordinary tribunals of Justice are not open.

In the year 1818 your Memorialist with others of His Majesty's subjects settled on, and in the neighbourhood of the Ottawa River, near the Falls of the Chaudiere; To the improvement of which part of this Province, His Majesty's Ministry under Lord Liverpool, at the recommendation of His Grace the Duke of Wellington directed their attention. In the year 1820 His Excellency the Earl of Dalhousie was appointed Governor General, and it is to the measures of that Nobleman that your Memorialist would more especially refer Your Lordships as being the *radicle* of his disappointments and reverses. The space whereon Bytown now stands, the operations commenced; Previous to which, your Memorialist at a public sale under the Sheriff became the purchaser of a tract of ground of about 400 acres (Lot No. 40, Concession A. in the Township of Nepean,) adjoining the said space of about 150 acres (Bytown) purchased by order of Lord Dalhousie then Governor in Chief of a Mr. Fraser for £750. Soon after your Memorialist became the purchaser, he received a notification from the Superintendent of Settlers its being the wish of the Governor to purchase of him

your Memorialist the land in question.* He your Memorialist repaired forthwith to Quebec, was received by His Excellency who treated with ridicule and contempt your Memorialist's offer of the land for £2000, and in an official letter dated Quebec, 9th May, 1827,† which his Excellency is pleased to say he writes for the purpose of publishing (or recording) his views of the subject. He states in the first place "that your Memorialist had been guilty of a breach of confidence in availing himself of the conversation which passed at his table." Secondly, "That it was not becoming a British Officer to catch at such a speculation." Thirdly, "That the difference from £400 to £3,000 or even £2,000 before he himself had paid his price was an indecent and shameful imposition."

It was your Memorialist bounden duty, not only as an Officer but as a Gentleman to acquit himself of and confute so unjustifiable a libel.

At the table were (as His Excellency in his record states,) as many gentlemen Civil and Military as could be accommodated, the room was small, the table proportionally so. Your Memorialist thinks the number did not exceed twelve, namely, His Excellency and staff, your Memorialist, two others who went to England, and the remainder still in the Province. To each of whom your memorialist addressed a letter,‡ no two of the gentlemen to whom the circular was addressed could by any connivance have agreed as to a reply, because each was unacquainted with what the other had received, or acknowledged; to this circular from motives which your memorialist does not presume to surmise, one gentleman did not reply—the answers are humbly submitted.§ Yet His Excellency treats them as though they had been the fruit of a combination, subversive of His Excellency's consistency and veracity, your memorialist especially entreats Your Lordships consideration to the merits of His Excellency's charge; your memorialists receipt, and refutation of it. Major Burke to whom his Lordship is pleased to say he addressed his instructions, was not at the dinner, this is well known to every gentleman to whom your memorialists circular was handed; but with the exception of Mr. James Read, it does not appear that either of them have commented on so important a feature of His Excellency's record. Major Burke himself in his reply states that he has no recollection of the circumstance alluded to; the truth is, (which Major Burke will corroborate,) the said Major Burke entered the room sometime after dinner & was directed by His Excellency to take a seat, and having taken one glass of wine, he respectfully stated that official business compelled him to with-

* See Appendix, Letter No. 2.

† Letter No. 4.

‡ Appendix, Letter No. 7.

§ Appendix, Letters No. 8, 9, 10, 11.

draw and he did so. Your memorialist humbly submits how it can be credited that such a conversation could have been carried on between His Excellency and that Officer coming from such a high source, and not be heard by any one of the six gentlemen at table. Your memorialist may venture to say seven, since as has been already observed the seventh gentleman made no reply at all, and it is reasonable to suppose that could the reply have been by the gentleman made subservient to the views of His Excellency it would have been so framed.

His Excellency goes on in his record to justify the measures he had pursued, ruinous to the private character of your memorialist as an Officer, and to his commercial credit as a Man. And which sufferings as regards the latter he views as irretrievable, should this appeal to Your Lordships Tribunal be as ineffectual as has those he has submitted to the authorities here.

Repeated offers from enterprising capitalists residents of Montreal and Quebec, and other parts of the Province, were made for plots of your memorialist's land, but every such negotiation proved invariably abortive from the well known hostility to your humble memorialist, that Nobleman availing himself of every opportunity of depreciating in public estimation your memorialist's character and property, *verbally and written, private and official*. In confirmation of this your memorialist's assertion he humbly submits His Lordships own record, wherein he states his belief, that your memorialist's purchase is not legal, "his title altogether bad and the sale an illegal transaction," and that he has and will support the family of Firth at his own private costs against the ill treatment, (*ejection then in process*), of the illegal proprietor.

Up to the termination of His Excellency's the Earl of Dalhousie's Government in these Provinces was the same persecution continued with relentless severity against your memorialist.—A British Officer whose attachment to his Country and its Government, could be attested by the most eminent men that have been in authority in these Provinces; but he need not remark to Your Lordships how difficult is the task for an humble individual to obtain the countenance and support of men of Rank if unhappily he feels himself fallen under the displeasure of the "highest authority." His fears from His Excellency's avowed enmity and presumed power—not his inclination or his wants, compelled him to resort to the painful alternative of disposing of his half pay. He submits to Your Lordships consideration the accompanying testimonials* of the confidence and respect entertained for him while an Officer in His Majesty's Service, but is restrained by feelings which Your Lordships know how to appreciate in a Soldier from enumerating wounds and the peculiar hardships which the features of war have subjected him to.

* See Enclosures, Appendix. page 7 & 8.

Lieutenant Col. By continued to pursue the same course of policy towards your memorialist as His Excellency had done. Inheriting from His Excellency as your memorialist has every reason to believe, the same views as well as the same enmity as his Superior Officer, (His Excellency,) had imbibed, for in the year 1827, seven years after he had become proprietor of the land adjoining that purchased by Government, he your memorialist addressed Col. By to the following effect.—

SIR,

A quantity of Timber of various descriptions having been taken off from my land and appropriated to the public works under your direction, and being unwilling in any manner to obstruct the public works, I beg to be informed if said timber has been taken by your sanction, and if so, on what principle.

I have the honor to be

&c. &c. &c.

J. LE BRETON.

On His Majesty's Service.

To Lieut. Col. By,
Royal Engineers,
Commanding Rideau Canal.

To this address he could obtain no written answer, but was told by Col. By that he did not sanction the depredation alluded to, nor would he be guilty of so ungentlemanly an act. The depredation however continued, and your memorialist again applied to Col. By, when he replied that he was authorized by the Provincial Act, (the Rideau Canal Act,) to take whatever timber might be required for the Canal. Your memorialist remarked that the timber that had been taken and was still taking, was for purposes foreign to the Canal. Your memorialist would beg to observe, that these trespasses on his property to his loss and disadvantage, were no benefit to Government, as the trespassers were contractors under contract to furnish the timber themselves, and at such liberal compensation as they received were fully capable of paying for such timber, it being well known that by their contracts they have realized from £20,000 to £40,000 each. Your memorialist states this for the purpose of showing that the protection afforded these contractors was rather a part of the persecution continued towards him, than any desire to benefit the Public Treasury.]

This Act on the part of Col. By was the more aggravating as in his presence he admitted the interference without reproof, of a menial in his office to say, "we'll take your timber wherever we can find it and not ask your 'liberty.'"

The next grievance that your memorialist begs to lay before your Lordships, is this:—On his land was a valuable Mill-site, from which, for the purpose, *as was alleged*, of forming a Timber Channel for the convenience of the Timber Traders, the water was turned and the site entirely destroyed.—Your Memorialist on this occasion addressed the Administrator in Chief, Sir James Kempt.* This Address to His Excellency the Administrator of the Government was referred to Lieutenant Colonel By, to report on, who stated that your Memorialist could build a Dam below the previous Mill-site. It is true, but to be told this by the Officer who did it, an Engineer too, *who had turned the course of the water from any and every Dam, build it where he would*; is an injury so insulting that your memorialist can only remark that he who inflicted the injury will not be considered by your Lordships as a *fit and proper* person to award the reparation for it. About the same time a negociation was carrying on between your memorialist and some Merchants at Montreal, for the purpose of making a small channel through a part of your memorialist's land, on surveying which it was found that it could not be effected unless by a trespass on a small tract of about 30 acres belonging to Government, but your Lordships cannot but be aware that this undertaking would have been imprudent in the extreme, unless the authorities here would give your Memorialist a grant of the land he should so trespass on. An application was made to Col. By, to ascertain whether any Government operation was likely to interfere with or prevent the desired water course from being made. To which application in his reply he is not aware of any objection thereto. Your Memorialist then applied to the Lieutenant Governor Sir John Colborne, for permission to effect the same, who stated that it should receive consideration. It being now two years since the foregoing reply was made, your Memorialist deems it prudent to lay before your Lordships the various Official aggressions made upon his property in the Province. He has applied to the local authorities to have his claims determined by reference or arbitration after the mode most usual, that of nominating arbitrators on the part of Government and on his own. He is referred to Courts of Law for redress, after the Court of King's Bench has decided that his claim is not within its jurisdiction; he has offered to submit and to abide by the decision of Engineer Officers in His Majesty's Service,† without any reference to arbitrators on his part, and he is told by His Majesty's Representative that a Jury will determine them under the Act called the Rideau Canal Act, an Act that is well known to be decided by the Court of King's Bench to embrace such questions only as affect the Canal itself, under the provisions of which Act this claim cannot be preferred. Your Memorialist has applied to many of His Majesty's Officers and to Gentlemen of property and respectability well acquainted with this part of the Province and

*See Appendix, Let. No. 15.

†Let. No. 16 & 17.

with the transactions on which he feels that he has so much ground for complaint, to estimate the losses he has sustained, viz :—From the stigma inflicted on his character by the Earl of Dalhousie ; from the inability to dispose of, or let on lease any part of his land arising from the publication of His Excellency's opinion, that his title was not good ; from the depredation committed on his timber as sanctioned by Col. By : from changing the course of the stream from his Mill Site, on which he would have been justifiable in setting a value that would appear *incredible* ; from the support gratuitously afforded to *Firth* to resist the Laws as constitutionally framed ; from building on his own private road and cutting up his lots as advertised for sale by running public roads diagonally across them ; and lastly, referring his memorials for reports from time to time to that quarter from which has sprung his grievances & disappointments : but it no sooner arrives that a gentleman has made something of an estimate of your Memorialist's losses, than he feels a delicacy or incompetence to dwell upon them that compels him to recede from the task.

Your Memorialist having now submitted to Your Lordships the foregoing details, assures Your Lordships that he has taken every step within his power to obtain redress in this country ; (He has expressly travelled, at a great expense, four times to Quebec and twice to York, a distance, going and coming, of three thousand six hundred miles ;) rests in perfect confidence that his case will be deemed deserving of consideration, and that an investigation into the merits of his Memorial, will be ordered by Your Lordships, when, whatever may be the mode adopted, he your Memorialist, is confident that the award will be such as shall prove not only to his friends, but to those who have been inimical to him, that his claims have been founded on TRUTH and JUSTICE.

Your Memorialist respectfully takes leave, and as in duty bound will ever pray.

25th January, 1832.

John L. Britton

APPENDIX.

[No. 1.]

COPY of a LETTER sent to MAJOR BURKE immediately on my return from Brockville, after purchasing the Lot of Land commonly known by the name of the Richmond Landing.

BRITANNIA, 18th DECR. 1820.

SIR,

Having recently purchased the Lot No. 40 in the first concession of the Township of Nepean, together with the broken front, commonly known by the name of the Richmond Landing, I take the earliest opportunity of apprising you thereof. The Government Store built thereon* being under your care, I beg to know if said Store will still be required for Government use, and if not, that I may be put in possession of the keys without any mutilation or alteration of the building.† Either that, or some other building at the said Landing will always be ready for the use of Government when required.

I have the honor to be

Sir,

Your Most Obedient

Humble Servant,

GEORGE T. BURKE, Esq.

J. LE BRETON.

[No. 2.]

RICHMOND, 17th JANY. 1821.

SIR,

I have the honor to acquaint you that your Letter of the 18th ult. has been submitted by the Deputy Quarter Master General to the Commander of the Forces, and I am directed to signify to you that His Lordship considers the Broken Front, No. 40, Concession A., Township of Nepean described as the Richmond Landing, a situation of which the Public service requires the use, and he wishes to be informed at what price you would cede it to the Government.

* The above Store was merely a temporary log building of 25 feet long for the accommodation of landing the stores, &c. of a division of the 99th Regt. who settled in the neighbourhood. I had at same time built a similar one for my own use. J. L. B.

† The building was not employed for Government use after the settling of the Detachment of 99th Regt. At the time of writing the above letter it was occupied by an individual who had very much mutilated it. J. L. B.

In further explanation I beg to transmit herewith an extract from the communication which I have had from the Deputy Quarter Master General's Office on the subject, and have the honor to be

Sir,

Your very Obedient Servant,

(Signed,) GEORGE T. BURKE,

CAPT. LE BRETON, &c. &c. &c.

Superintendent.

(EXTRACT.)

DEPUTY QUARTER MASTER GENERALS OFFICE.

Quebec, January 5th, 1821.

You will be pleased to lose no time in communicating with Capt. Le Breton on the subject, and the Commander of the Forces cannot doubt but when that Officer is informed the land in question is required for public purposes, he will be willing to meet the views of Government by either giving up his purchase to them, or taking lands in some other place in lieu thereof.

(Signed,) GEORGE FOWLER,

Capt. D. A. Qr. Masr. Genl.

(Signed,) GEORGE T. BURKE.

The following letter was written to His Lordship in consequence of his having made use of language derogatory to my character in the autumn of 1826, and which is corroborated in his reply, dated 9th May, 1827.

[No. 3.]

(COPY)

TO HIS EXCELLENCY THE RIGHT HONORABLE GEORGE,
EARL OF DALHOUSIE, &c. &c. &c.

MY LORD,

I humbly beg leave to address your Lordship on a subject which has been some years in agitation, and emanating from your Lordship, highly prejudicial to my character, and must, with submission to your Lordship, state, that your Lordship has been misinformed on the subject. I allude my Lord to some land purchased by me in the year 1820, and which your Lordship has been pleased to say "was purchased by me with a view of imposing on "Government." And as your Lordship appears from recent circumstances to be of the same opinion, I deem it expedient to recapitulate the whole affair, in the hope that your Lordship will be pleased to reconsider the subject and to render me that Justice which the case requires.

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Some time in the year 1820 I learnt that some lots of land in the Township of Nepean, where I reside, were to be sold at Sheriff's sale, among which was one which I considered as very valuable; I attended the sale which was in the Court House at Brockville and made the Sheriff of the District; I purchased the lot in question, and part of which I then sold to Levius P. Sherwood, Esq., (at present one of the Judges of the Court of King's Bench.) On my return to my habitation in Nepean, I immediately wrote to George Burke, Esq. superintendant of settlers* acquainting him with the circumstance, stating that if a store house was required for Government, either the one already built or another should be at their service, at the same time requesting to be put in possession of the key of the one already built by Government (it being on my land and unoccupied by them.) In reply to which I received a letter from the Quarter Master General's Office, intimating that the land in question was required for Government purposes, and concluding that I could have no hesitation in giving it up. Having some business at Quebec, I thought it most prudent to see your Lordship in person. On my arrival at Quebec I waited on Lieut. Col. Cockburn (then Deputy Quarter Master General) for the purpose of being introduced to your Lordship. He asked me if I would not take wild lands in lieu of the said land in question, to which I replied that wild lands were of no value to me, besides which, I had sold part of the land to Mr. Sherwood and could not act without his concurrence. He then wished to know what I would ask for the land, to which I replied that as to my own part of it I would leave it entirely to your Lordship, and that I was confident Mr. Sherwood would do the same. We then walked on toward the Castle, during which time Col. Cockburn repeatedly urged me to name a price, which I declined and replied as before that I would leave it entirely to your Lordship. On arriving at the Castle Gate, Col. Cockburn said he could not see your Lordship on the subject unless I named a price. I then told him that I valued it at Three Thousand Pounds, (a sum less than half its value) I waited below in the waiting room whilst Col. Cockburn had a conference with your Lordship. I was then called up to the Drawing Room, but, what was my surprise, when I was met at the door by your Lordship and told that I was an Impostor! that I had purchased the land in question in an underhand manner with a view of imposing on Government!!! Such a reception from a personage of your Lordship's exalted rank and character, renowned for justice and urbanity, convinced me that a misrepresentation had been made to your Lordship, and when I endeavoured to explain and defend myself, your Lordship would not allow me to speak; adding that Doctor Thom of Perth had written down to say, that it was "his intention to have purchased it for Government, but that I had bought it "in an underhand manner and unknown to him." Your Lordship was at the same time pleased to say that you would take measures to deprive me of it, and although not in express terms, I understood, it was your Lordship's intention to report my conduct, (as it was represented to your Lordship,) to the Commander in Chief with a view of depriving me of my half pay. Your Lordship was also pleased to implicate Mr. Sherwood in what your Lordship termed a nefarious transaction. It is but justice to that Gentleman to say that your Lordship must be totally unacquainted with him, his honor and integrity are too well established to be injured by any aspersions of the foregoing nature, and which could only have been intimated to your Lordship through malice. And I now pledge my word of honor, that I never had any communications with him on the subject of the land either directly or indirectly, nor did he know the value of the land until the morning of the day of

* Vide Letter No. 1.

sale. Knowing that Doctor Thom and Mr. Morris were about to purchase it, not for Government but for their own private speculations, (as Mr. Morris has since publicly declared,) and fearing that it would rise beyond my means, I pointed out to him its great value and advantages, and asked him to join me in the purchase, which he at first declined but ultimately acceded to.

With respect to Doctor Thom's letter, I beg to say that the land was publicly advertised, was sold in the public Court house at noon-day, Doctor Thom and William Morris, Esq. of Perth employed Messrs. Alexander and James Morris, of Brockville, to bid for them; they did bid as far as they thought proper, when they declared publicly they would bid no further, the land was then knock'd down to me. Doctor Hubble of Brockville did also bid for the land. May I beg to ask your Lordship what part of this transaction was underhanded or imposing? If Doctor Thom did write such a letter, which I cannot doubt from your Lordships assertion, he will of course prove the charge; I stand ready my Lord to answer to the accusation, and I beg your Lordship will be pleased to cause the enquiry to be publicly made.

After the interview with your Lordship before mentioned, being convicted and condemned on the *ipse dixit* of my enemies without the privilege of trial or defence, and unwilling to remain under the unfavourable Impressions entertained by your Lordship, I waited on the Honble. Mr. Hale, the Honble. Chief Justice Sewell, and Lieut. Colonel at present Sir John Harvey, I represented the case to them, they unanimously agreed that your Lordship's conduct in this instance was different from its usual tenor, and that the circumstance had been misrepresented to your Lordship. They recommended me to address your Lordship on the subject and to refer your Lordship to them for their knowledge of me, which I did accordingly, but without any satisfactory result.

As a further proof of the injustice of the accusation, as soon as I heard that the land was to be sold, knowing its great value and fearing that my means would not allow me to purchase it, I called on Charles Shirreff Esq. Hamnet Pinhey Esq. and Capt. Street, Royal Navy; I mentioned it to them, and pointed out its advantages and asked them individually to join me in the purchase, which they for pecuniary reasons declined. I beg to ask your Lordship if this was acting clandestinely? And if I wished to impose upon Government, (if purchasing land can be so called,) the very lot of land adjoining which your Lordship was pleased to purchase for Government for £750 had been previously offered to me for £15!!!

And even my Lord had I known that it was required for Government service; not being authorised to purchase it for them, had I not a right to purchase it for myself if my means would allow me? Had your Lordship ever intimated to me that the land was required for Government, I should either have purchased it for Government or not purchased it at all. Is it because I have served His Majesty, and I trust with honor, that I am not allowed to better my situation in life? What situation of honor or profit has your Lordship ever bestowed on me? None, my Lord, whilst numbers of Officers in this Province hold offices of honor and profit who cannot produce such testimonials of their service as I have the honor herewith to lay before your Lordship, besides the General Orders and Despatches of this Country during the War, to which I beg leave to refer your Lordship. And will not your Lordship's generosity allow me any credit for the Establishment which I have made in this Province at the expense of several thousand pounds? *It is not an Establishment, my Lord, where the American Independence is celebrated by the firing of His Britannic Majesty's cannon, but an Establishment noted for loyalty, industry, and sobriety, and I trust worthy the appellation with which it is honoured.*

I have the honor to lay before your Lordship herewith copies of two letters, one from His late Royal Highness the Duke of Kent, alluding to services performed when an Ensign not 18 years of age; the other from the late Major General Proctor at the close of the late War. I merely by these letters wish to prove to your Lordship that as a Soldier I did my duty, and as a Civilian under a British Constitution I expect Justice, and the right to enjoy my property unmolested! the latter privilege I have been debarred from. I allude to the case of Andrew Berrie and Isaac Ferth, who are trespassers on my property, and have kept possession against my will. On my giving them notice to quit the premises they applied to your Lordship, you were pleased to direct them to keep possession, and I am informed, I believe from undoubted authority, that your Lordship has even employed a Lawyer at your own expence to defend their cause!!* From your Lordships authority and station, it is but fair to conclude that any ill opinion of me formed by your Lordship may be attended with aggravation and injury to my interests in other quarters, and to which I attribute the conduct of the Lieutenant Governor of the Upper Province towards me.

I shall refrain from further remarks my Lord, and beg your Lordship will be pleased to reconsider the subject and to grant me that justice which the case requires. In fact the prejudicial reports which have spread through the Country—the privation of the friendship of several gentlemen of the utmost respectability, the duty I owe to the three honorable gentlemen before mentioned, and the rest of my friends, requires me to take every legal step towards a public justification of my conduct, and to which I humbly hope and trust your Lordship will be graciously pleased to accede.

I have the honor to be

With all due submission,

Your Lordship's

Most Obedient

Humble Servant,

J. LE BRETON.

BRITANNIA, OTTAWA RIVER,
20th March, 1827.

Copies of two Letters inclosed in the foregoing.

(ENCLOSURE.)

KENSINGTON PALACE, 31st Decr. 1815.

Captain Harvey is instructed by the Duke of Kent to acknowledge the letter of Lieutenant Le Breton of the 29th inst. with two accompanying inclosures, and to state to him that His Royal Highness is so fully impressed with the recollection of the strong manner in which the late Lieutenant General Skerrett recommended him to his notice, for his distinguished conduct at the time of the Mutiny of the Fencible Regiment in Newfoundland, that the Duke has not felt the slightest hesitation in transmitting the papers to Major General Sir Henry Torrens, and adding his solicitation to the

* His Lordship ordered £5 to be paid to Jonas Jones, Esq. an Attorney to defend the cause in case of an ejectment, and his Lordship has recently had a house built on the premises for the accomodation of those people. J. L. B.

others already before the Commander-in Chief in his behalf, to which Capt. Harvey is directed to add that it will make His Royal Highness most happy to learn that the result is commensurate with his expectation.

To LIEUT. LE BRETON, }
Royal Nfld. Regt. }

(ENCLOSURE.)

MONTREAL, Augt. 16th, 1815.

Sir,

I have the honor to acknowledge the receipt of your letter of the 8th inst. informing me of your having obtained leave of absence to proceed to England, and also conveying a request that I would be pleased to grant you such a testimonial of your services as I might think you entitled to, during the period you were with the Division of the Army under my command in Upper-Canada. It is with much satisfaction I can state that on every occasion you were desirous of meeting the Service—uniformly evincing the most indefatigable zeal in the performance of your duties in the Engineer Department and occasionally in that of the Quarter Master General's.

I have already publicly acknowledged your exertions during the arduous service on the Miami, and on the 5th May 1813* especially on the same occasion.

I gratefully recollect your having volunteered and performed to my satisfaction a disagreeable though important duty, soon after the unsuccessful affair at Sandusky, going to that place with a Flag of Truce at the risk of imprisonment in retaliation of our treatment of a Spy, and an apprehension of which caused the reluctance shewn by the Officer whose duty it should have been but for your zeal.†

Wishing you Promotion,

I have the honor to be

Sir,

Your faithful

Humble Servant,

(Signed,) HENRY PROCTOR,
Major General.

To LIEUT. LE BRETON, }
Royal Nfld. Regt. }

* On the 5th May 1813 Lieutenant Le Breton guided a Party of less than 300 men under the command of the late Major Muir to the attack of 1100 Americans, when 300 were killed and 630 made prisoners.

† After General Proctor's defeat at Sandusky he asked some of his Officers to go in with a Flag of Truce for the purpose of ascertaining the fate of those who were left behind, which those Officers declined, under the pretence set forth in General Proctor's letter. Lieutenant Le Breton then volunteered his services and penetrated into the enemy's secret depot thereby discovering the whole of his plans.

[No. 4.]

HIS LORDSHIPS' REPLY.

Military Secretary's Office.

Quebec, 9th May, 1827.

SIR,

I am directed to acquaint you that the Commander of the Forces has received your letter, to which His Lordship would not have thought it worth while to return any answer, but for the purpose of having a true statement of the subject committed to record.

With this view I have received His Lordship's command to transcribe and convey to you, the following statement, drawn up by himself on a perfect and clear recollection of the whole transaction to which it relates.

"In 1820, I made it my first duty on my arrival in the Province, to visit it as extensively as the period of the season permitted. I passed up the Ottawa and crossed the country from Hull, thro' the military settlement, then just begun. At Richmond, Major Burke with a party of the half-pay officers there (as many as the house could hold) dined with me. The chief subject of conversation was the means of promoting the public prosperity of that newly settled tract; it was evident to all that a Government Dépôt for stores and supplies was highly important at the Richmond Landing, so called, on the Ottawa; to establish an accessible point of communication, and a certainty of supplies for the large population likely to assemble in that new country. The land belonged to a Mr. Randall, an absentee and who could not then be found. No improvement had been made on it, and it was probable that the purchase might be made for a trifling sum. I gave instruction to Major Burke as superintendant, and in the presence and hearing of all at table, to take steps to effect the purchase, and to watch any advertisement of the sale of it, but to report to me before he concluded."

"Captain Le Breton was then present, heard my sentiments, heard my instructions, and in my idea, as an officer and a gentleman was in honor bound to give his assistance, he did not do so; he availed himself of the information, and set about a speculative purchase to make a profitable bargain and then offer it to government.

"I heard nothing more on the subject until Lieut. Col. Cockburn informed me that the Richmond Landing had been sold, and that Captain Le Breton was in Quebec to offer it to Government.* It was told to me, that he had bought it for £400 and offered it at £3,000, but in all probability might yield it at £2000. I desired to see Captain Le Breton personally, and he came with Col. Cockburn up to my writing room. I asked him if he seriously proposed such a demand; he said he did and justified himself, I forget in what terms. I at once and very angrily told him; I would not permit so scandalous an imposition on His Majesty's Government, and I gave him all my reasons for so thinking. 1st. A breach of confidence in availing himself of the conversation which passed at my table. 2d. It was not becoming in a British officer to catch at such a speculation. 3d. The difference from £400 to £3000, or even £2000 before he himself had paid his price was an indecent and shameful imposition. "From that one interview, I formed an unfavourable opinion of Captain Le Breton, and I have seen no cause to alter it since. I know nothing of him, I thought then and I think still, that due notice of the Sheriff's sale

* See letter No. 2.

"was not given, and although the Solicitor General did report to Sir P. Maitland that it was done in due form, the later memorial of Mr. Randall himself inclined me to think that the sale was not legal, and therefore Mr. Le Breton's title altogether bad; * the purchase of the lot an illegal transaction.

"I do not believe one word of Mr. Le Breton's assertion, that he could have obtained of Mr. Fraser at £15 the lot for which that gentleman obtained £750 from government.

"With regard to the family of Firth, I did say I would support that family if illtreated by these illegal proprietors, and I will do so still at my own private cost. I know nothing of Dr. Thom, Mr. Sherwood or any of those people named.

"No further answer will be made on this subject if continued."

(Signed) "DALHOUSIE."

7th May, 1897.

I am, Sir, your most obedient, humble servant,

H. DARLING,

Mily. Secy.

To Mr. LE BRETON.

[No. 5.]

Britannia, 6th June, 1827.

SIR,

From the lapse of time I am not certain if you dined with us at Hills in Richmond, at the dinner given by His Lordship the Governor-in-Chief in the year 1820. If so, I will esteem it a favor to be informed if His Lordship at that time gave you instructions to purchase the lot of land commonly known by the name of the Richmond Landing, and oblige

SIR,

Your most obedient,
Humble servant,

J. L. B.

George T. Burke, Esqr.

[No. 6.]

RICHMOND, 12th June, 1827.

SIR,

In reply to your letter of the 6th instant, I beg to state that I have no recollection of the circumstance which you mention, but I believe some

* If His Lordship conceived my title bad, why did he authorize Lt. Col. By, Royal Engineers, to purchase it from me.

time subsequently, I received an official order to communicate with you on the subject of the purchase of the Landing, but you being then on your way to Quebec, nothing further was done in the business.

I beg to remain,

SIR,

Your very obedient servant,

(Signed,) GEO. T. BURKE.

J. LE BRETON, Esq.

[No. 7.]

COPY of a letter to Capt. Monk, H. P. 97th Regt., Capt. Street, H. P. Royal Navy, Hammel Pinhey, Esq., James Read, Esq., Capt. Bradley, † H. P. 104th Regt.

BRITANNIA, 2d June, 1827.

SIR,

A report having been circulated at Quebec and Montreal prejudicial to my character, stating "that I had taken advantage of a conversation of His Lordship the Governor-in-Chief, while I had the honor of dining with him at Richmond in the year 1820," and as you were also present at the dinner given by His Lordship, I beg you will do me the favor to reply to the following questions.

1st. Did you hear His Lordship instruct Major Burke to take steps to purchase, and to watch any advertisement of the lot of land No. 40 in the Township of Nepean, commonly known by the name of the Richmond Landing?

2d. Did you hear any conversation at that table that would have prevented you from purchasing the said lot of land? and oblige,

SIR,

Your most obedient servant,

(Signed,) J. L. B.

[No. 8.]

HELENSVILLE, MARCHE, June 5th, 1827.

SIR,

In reply to your enquiries on the other side, I have to state that no such conversation took place at that time in my hearing, nor do I think

† Captain Bradley made no reply.

it very probable that His Lordship the Governor in Chief would enter on such a subject at a public dinner.

I am Sir,

Your very obedient servant,

(Signed,) BENJ. STREET,

To J. LE BRETON, Esq.
BRITANNIA.

[No. .9]

POINT PLEASANT, MARCHE, 5th June, 1827.

SIR,

In reply to the queries contained in your letter of the 2d instant, I have only to state that I have no recollection of the conversation alluded to, it is however possible that it may have occurred and escaped my memory.

Your's &c.

J. B. MONK.

To J. LE BRETON, Esq.
BRITANNIA.

N. B. As Captain Monk sat next to His Lordship at table, he would be the most likely person to hear such conversation if it had taken place.

[No. 10.]

HORACEVILLE, MARCH, 5th June, 1827.

SIR,

In reply to your note of the 2d instant, wherein you intimate that reports reflecting discredit on some purchase you made of land in Nepean, prevail, and that you are desirous to submit to me certain queries. First, "as to whether at a dinner given by His Excellency the Governor in Chief in 1820 at Richmond, I heard His Excellency instruct Major Burke to take steps to purchase and to watch any advertisement of the lot of land No. 40 in the Township of Nepean, commonly known by the name of the Richmond landing." I have to state that I did not hear His Excellency give any instructions touching the land in question to that or any similar effect. Secondly, "as to whether at the same period any conversation or discussion arose that would have prevented me from becoming a purchaser." To this query I have to state, that any conversation that there passed would not have prejudiced me against being a purchaser, had I felt disposed so to invest money; neither would it per contra have tempted me to it.

I am to be understood as a matter of course, not as saying such or such instructions were not given, but that I did not hear them.

I am,

SIR,

Your most obedient servant,

(Signed,) HAMNETT PINHEY.

To CAPT. LE BRETON,
&c. &c. &c.

[No. 11.]

MARCH, 5th June, 1827.

SIR,

In answer to your letter wherein you ask if I heard any conversation while dining at Richmond with Lord Dalhousie between His Lordship and Major Burke, respecting the lot of land at Richmond Landing Place, I beg to state I did not hear any conversation on the subject, nor was Major Burke present during the dinner, and but a short time afterwards.

I am, Sir,

Your most obedient servant,

(Signed,) JAMES READ,

To CAPT. LE BRETON,
&c. &c. &c.

[No. 12.]

BRITANNIA, OTTAWA RIVER, 20th July, 1827.

SIR,

I have the honor to acknowledge the receipt of your letter by command of His Lordship the Commander of the Forces, of the 9th May, wherein you are pleased to state that "His Lordship would not have thought it worth while to return any answer" (to my former letter) but for the purpose of having a true statement committed to record; and as His Lordship is pleased to say, "that no further answer on this subject will be made if continued," I of course do not expect a reply hereto. The door of justice being thereby closed against me through that channel, my only recourse is to leave it to the opinion of an Impartial Public, therefore before I commit the whole correspondence to public print I beg to submit for His Lordship's information, copies of letters from Major Burke, and four gentlemen who dined with His Lordship at Richmond on the day alluded to, in His Lordship's statement.

His Lordship's memory has deceived him with respect to Major Burke as he actually did not dine at the table that day, he came in afterwards and only staid a few minutes.

His Lordship was also pleased to state that Mr. Randall "was an absentee, "and who could not then be found;" I fear His Lordship was also misinformed on this subject; Mr. Randall was at that time a member of the House of Assembly of Upper Canada and residing near Niagara at his usual place of residence. I should have sent copies of those letters earlier, but that I have been waiting for other documents of equal importance.

I have the honor to be

SIR,

Your most obedient,

Humble servant,

J. LE BRETON.

To MAJOR GENERAL DARLING,
Military Secretary.

[No. 13.]

(EXTRACT)

MARCHE, 14th January, 1830.

SIR,

I was present at a conversation that took place at Hull in the latter part of the year 1826, between Col. By and yourself, on the subject of the land called Nepean Point, among other matter you told Col. By that you were willing that the Government officers should take as much of that land GRATIS as was necessary for making the intended canal, or words to that effect.*

I am, Sir,

Your obedient servant,

(Signed,) THOMAS READ.

To CAPT. LE BRETON, &c. &c.
NEPEAN.

* Col. By said he was authorized by the Earl of Dalhousie to offer the sum that I had paid for the property, what I had sold I might keep as a bonus; at this time I had sold one lot at the rate of about £500 per acre, and was in treaty for other lots, when a report was industriously circulated, that I had no title, and that it was the intention of His Lordship to take the land from me.

The water was turned from the front of my lot ruining my Mill Sites, under the ridiculous pretence of forming a Timber Channel, which has rendered the passage worse than it was before, at an expense of about £4,000, and an estimate was made out and submitted to Sir James Kempt to expend a further sum of £10,000, when at the same time I had offered to make a Timber Channel at my own cost! A house has been built upon my land by order of Col. By! My timber cut and destroyed as stated, and several other depredations committed, for all which I have hitherto obtained no redress!!!

BRITANNIA, OTTAWA RIVER, 14th Sept. 1827.

Sir,

A quantity of Timber of various descriptions having been taken off from my land, and appropriated to the public works under your direction, and being unwilling in any manner to obstruct the said works; I beg to be informed if the said Timber has been taken by your sanction, and if so, on what principle.

I have the honor to be

Very Respectfully

Sir,

Your most Obedient

Humble Servant,

(Signed,) J. LE BRETON.

On His Majesty's Service.

To Lieut. Col. By,
Royal Engineers,
Commanding Rideau Canal.

N. B. The above timber was taken by the Contractors who had contracted to furnish the timber themselves.

[This letter was sent to Lieutenant Colonel By, but no answer being received for some time, I sent my Clerk to ask Col. By if there was an answer, to which he replied that he did not sanction the depredation on my land, "that he would not be guilty of so ungentlemanly an action." I then called on Col. By myself who said he was authorized by an Act of Parliament to take my timber, when one of his Clerks apparently *drunk* in his office, and in his presence, without reproof, said "we'll take your timber wherever we can find it and not ask your liberty."]

[For some of this timber Col. By paid 3s. per foot, and having occasion to prosecute one of the Contractors for taking some of the timber, one of Col. By's friends, a man for whom he had built a house on my land, and at the expense of Government, appeared and made oath that the timber was not worth more than *six-pence per tree* !!! by which means I obtained £17 for timber worth more than £300.]

At same time Col. By sent one of his clerks who swore in Court that the Union Bridge for which the timber was taken, was built for the purpose of transporting stone from a quarry across the River in Hull to build the Locks of the Rideau Canal! a distance of about two miles over precipices and ravines; whereas the Locks were commenced in 1827 and the Bridge was built in 1829.—The stone with which the Locks are built was taken from the bed and sides of the work, so close that the workmen were obliged to remove them to a distance to have room to dress them. J. L. B.

Copy of a letter to Lieut. Col. Couper, Military Secretary.

Sir,

No 15

QUEBEC, 2d November, 1829.

I have the honor to acknowledge the receipt of your letter of the 31st ultimo, in reply to which I beg to state that my claims on Government are for damages done to my property in the Township of Nepean, by turning the water therefrom and depriving me of a valuable mill-site. 2dly. by cutting down, taking away, and destroying a quantity of timber on said premises, 3dly. by building a house on a portion of said premises laid out as a street and division line between Mr. Sherwood's property and mine, then taking the road across my land laid out in building lots thereby injuring the value of said lots.

I beg leave to state that a law is enacted in Upper-Canada directing all claims for damages done to property for the use of the Rideau Canal should be decided by a jury of the Province, but as the injuries complained of were not for the use of the Canal, and the persons composing our Juries are chiefly emigrants from Ireland, totally *incompetent* to judge in such cases, I pray that His Excellency will be pleased to nominate one or two persons competent and disinterested, with power to call in mill-wrights or other persons as they may judge expedient—Should this measure meet His Excellency's approbation, the persons whom I should wish to nominate on *my part*, with His Excellency's permission, are George Hamilton, and Hamnett Pinhey, Esquires, the former person well known to His Excellency and to the country in general as a man of judgment, honor, and integrity—the latter equally honorable and intelligent though not known to His Excellency.

I have the honor to be

Sir,

Your most Obedient

&c. &c. &c.

(Signed,) J. LE BRETON.

[The foregoing letter was referred to Col. By for his report, who replied that the claims therein contained were without foundation.

Making the aggressor the Judge of his own cause!!]

I again addressed His Excellency Sir Jame Kempton on the subject in the spring of 1830, to which His Excellency was pleased to reply that he would have a personal investigation of my claims at his intended visit to the Rideau Canal. His Excellency arrived at the Rideau Canal on — September following, he arrived in the afternoon about 3 P. M. and as I reside about six miles from thence, did not hear of it until the following day, I immediately went to wait on His Excellency, but learnt that he had gone up the line of the Canal with Col. By, that he had not taken any quarters on shore, and that he intended to return again for Montreal the ensuing night. I therefore waited on board the Steam-Boat until his return which was late in the evening—I addressed him on the subject of his letter, His Excellency seemed offended at my addressing him on the subject and replied that he could give me no redress, and having taken up his quarters in the public room of the boat where I could have no private conversation I was obliged to withdraw. On the following day His Excellency sent a verbal apology

by a gentleman of my neighbourhood stating that he had been irritated by several persons having way laid him with petitions against Col. By (with whom he had dined,) but that he would be most happy to do any thing for to serve me.

His Excellency left the Country before I had an opportunity of again addressing him on the subject. J. L. B.

Copy of a Letter to Z. Mudge, Esq., Private Secretary to His Excellency the Lieutenant Governor of Upper Canada.

(EXTRACT.)

York, 27th Feby. 1830.

SIR,

At a late interview with which I was honored His Excellency was pleased to say that he would cause an impartial survey to be made of the Timber Channel, &c. at the Chaudiere Falls. To save trouble and expense and a great deal of time, as Civil Engineers are rare to be found in this Province, I humbly beg to submit to His Excellency that Lieut. Col. Boteler, Royal Engineers, lately from England, and Capt. Cole, Royal Engineers, who can be no way interested, being at present on the Rideau Canal, I should be most happy to refer the case to their judgment. At same time with His Excellency's permission that I may be allowed to point out to them the route, which I propose together with the inconvenience attending the other Channel, also the route of a Canal from the Chaudiere Falls to the Lake Chaudiere. And also that His Excellency will be pleased to authorize these gentlemen to estimate the damages done to my property at the Chaudiere Falls, which decision, I am perfectly willing shall be final on my part with Government.

I have the honor to be

&c. &c. &c.

(Signed,) J LE BRETON.

[This letter alludes to a private conversation with His Excellency Sir John Colborne in the morning of the same day, at which time he said that as soon as the Parliament then sitting was closed, he would have an impartial investigation of my claims. In the afternoon of the same day I received the following letter in reply to the foregoing.]

Government House, York, 27th Feby. 1830

Sir,

I am directed by the Lieutenant Governor to acquaint you in reply to your communication of this day's date, that the subject of the timber

channel will be considered and finally decided on, after the present Session, and that with respect to your claims on account of the injury which you have sustained from the works carried on near Bytown, you must refer them to the Ordnance Department, or to the Arbitrators who will be appointed by Act of Parliament after the Canal is finished.

I have the honor to be,

&c. &c. &c.

Z. MUDGE.

John Le Breton, Esq.

My claims had already been referred to the Ordnance Department who referred them to Col. By as before stated in paragraph 16, and had they come within the jurisdiction of the Canal Act I should have had no occasion to apply to His Excellency for redress.

(COPY.)

N^o 18

BYTOWN, 1st Novr. 1831.

SIR,

Having ineffectually made several applications to the late Governor in Chief, as also to the Lieutenant Governor of the Province, to redress grievances which I have sustained from the public works carrying on in this quarter, under the direction of Lieut. Col. By, which application have hitherto not been satisfactorily replied to, I beg to state for the information of Lieut. Col. By that I am now about to represent the case to the Honorable the Lords Commissioners of His Majesty's Treasury. It is not, however, my wish so to do, provided Lieut. Col. By will be pleased to name any two or three gentlemen to meet those whom I shall name and by whose decision I am willing to abide.

I have the honor to be

&c. &c. &c.

J. LE BRETON.

To Joseph N. Hagerman, Esq.
Solicitor Rideau Canal.

(COPY.)

N^o 19

BYTOWN, 1st Novr. 1831.

SIR,

In reply to your letter of this day's date, I beg to inform you that I have laid the same before Col. By, who has desired me to inform you that

he has no objection to appoint two Officers to meet those gentlemen you may name to take into consideration any claim for damages that you may have sustained from the public works at this place now under his superintendence. The Officers named by him, are Capt. Boulton and Capt. Yule, of the Royal Engineers. He also desires me to request you to name the day on which you will be prepared to meet the aforesaid gentlemen.

I have the honor to be

&c. &c. &c.

(Signed,) J. A. HAGERMAN.

To John Le Breton, Esq.

The undersigned, having at Chitty's Tavern and at the instance of Capt. Le Breton met Capt. Boulton and Lieut. Frome for the purpose as they were given to understand of arbitrating Capt. Le Breton's claim on Government, find that Capt. Boulton and Lieut. Frome's instructions empower them only to examine into Capt. Le Breton's claim for damage done in consequence of the Rideau Canal—not to arbitrate and award—moreover Capt. Boulton and Lieut. Frome having declined to submit to the nomination of an umpire under any consideration whatever. The undersigned are under the necessity of withdrawing.

Signed, { JOHN BUCHANAN.
 { HAMNET PINHEY.

Bytown, 30th Novr. 1831.

Mr. Hagerman was called into the room and in presence of the above gentlemen was asked what was his impression when he received instructions from Lieut. Col. By to answer Capt. Le Breton's letter; his answer was—my impression was that Capt. Le Breton's claims on Government were to be finally settled by arbitration.

Query.—Can it be settled without an umpire?—Ans. In my opinion it cannot.

J. L. B.